

## **REMARKS/ARGUMENTS**

The applicants thank the Examiner for his consideration of the application. Claims 1-2, 5-43, and 57 are pending in the application. Claims 3-4 and 44-56 have been cancelled and the applicants reserve the right to file one or more continuation or divisional applications containing one or more of the cancelled claims.

### **Response to Amendment**

With respect to the Examiner's comments regarding the amendment submitted July 12, 2004, the applicants have cancelled claims 44-56 in accordance with 37 C.F.R. §1.121.

### **Claim Objections**

The Examiner objected to claims 4-43 and 57 under 37 C.F.R. §1.75(c) as being in improper form. The applicants have amended claims 5-6, 10-11, 14-21, 23, 30, 32, 34-43 and 57 such that all the claims meet now meet the requirements of 37 C.F.R. §1.75(c).

### **The Subject Matter Claimed is Readily Distinguishable from Harrington**

The Examiner rejected claims 1-3 under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,895,454 issued to Harrington ("Harrington"). The applicants have cancelled claim 3 and amended claim 1 in order to include limitations analogous to those formerly present in claim 3. As now amended, claim 1 is directed to a method of establishing a customized electronic site which includes using information obtained over a network to automatically establish the customized electronic site, including automatically establishing a database containing a selection of products and descriptions associated with the customized electronic site. We show below why the cited reference is readily distinguishable from claim 1 as amended.

In accordance with the present invention, an "electronic site" is an arrangement including a server, accessible over a network by a population of potential consumers, pursuant to which a member of the population may enter into a transaction involving products. Thus, an "electronic site" includes a web site pursuant to which products may be purchased, but excludes a web site that merely offers a link to a distinct pre-existing web site that offers products." Page 5, lines 14-18. Thus, a customized electronic site includes a customized web site pursuant to which

products may be purchased. As we explain below, Harrington does not disclose, teach or suggest such a method for establishing a customized electronic site. Nor does Harrington disclose, teach or suggest that establishing a customized electronic site includes automatically establishing a database containing specified criteria associated with the customized electronic site.


Harrington is directed to an integrated interface for vendor/product oriented internet websites. In accordance with Harrington, a database and associated database interface are provided on an internet accessible machine (col. 3, line 67 and col. 4, lines 1-2). The database, which (unlike the subject matter claimed in the present application) is pre-established and is not created automatically in accordance with specified criteria obtained over the network, contains information relating to vendor products, locations, website addresses, price, maps, etc. (col. 4, lines 9-12). A user, after connecting to the database machine, specifies particular criteria which is used by the database search engine to provide a list of suitable vendor websites which match the users product/service criteria (col. 4, lines 12-16). The database then provides connectivity functionality to enable the user to connect to the vendor websites whereupon the user may interact with the vendor website using the commands and structured data hierarchy as originally established by the vendor or the vendor's website designer (col. 4, lines 16-22). Thus, Harrington merely offers a link to a distinct pre-existing web site that offers products, rather than establishing a customized electronic site as required by amended claim 1.

Harrington further discloses that a vendor may choose to have its website *created by the database administrator* (that is, not automatically) in order to aid in creating websites with uniform data interchange standards which would enhance the amount and type of data which could be exchanged between the vendor websites and the database administrations software (col. 5, lines 14-21). Further, Harrington does not disclose, teach or suggest that such a website may be established by obtaining over a network information specifying criteria associated with the website, and using the information to automatically establish the customized electronic site and automatically establish a databases containing the specified criteria as required by amended claim 1. Consequently, claim 1, as amended, is not anticipated or suggested by Harrington. Additionally, since claims 2, 5-43 and 57 depend from amended claim 1 and contain its limitations, claims 2, 5-43 and 57 are also not anticipated or suggested by Harrington.

### CONCLUSION

The applicants believe that no fees are due at this time. If any fees are required for the timely consideration of this application, please charge deposit account number 19-4972. All the claim rejections have been addressed. Reconsideration of the application and issuance of a notice of allowance are respectfully requested.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Elizabeth P. Morano", written over a horizontal line.

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